

REMARKS/ARGUMENTS

New claims 7 – 9 are presented for first examination on the merits, in view of the following remarks. Claims 1 – 6 are by this amendment canceled without prejudice or disclaimer.

In the outstanding Office Action, the Examiner: objected to the drawings for failing to comply with 37 CFR 1.84(p)(5); objected to the disclosure for informalities; and rejected claims 1 – 6 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,134,659 to Sprong et al. (hereinafter referred to as “Sprong et al.”) in view of U.S. Patent No. 5,982,892 to Hicks et al. (hereinafter referred to as “Hicks et al.”) and further in view of U.S. Patent No. 6,055,636 to Hillier et al. (hereinafter referred to as “Hillier et al.”).

By this Response and Amendment: the drawings and specification are amended to obviate the Examiner’s objections thereto; claims 1 – 6 are cancelled, thereby obviating the Examiner’s objections thereto; new claims 7 – 9 are presented to particularly point out features of the present invention not found in the cited prior art; and the title is amended to correspond to the newly presented claims. It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

Objections to the Drawings and Specification

Applicant submits that the above amendments, which place reference signs 23, 24, and 25 in figure 2, and which clarify all objected-to acronyms in the specification, obviate all of the Examiner’s objections.

Rejections Under 35 U.S.C. §103(a)

The Examiner rejected claims 1 – 6 as being unpatentable over Sprong et al. in view of Hicks et al., and further in view of Hillier et al.

Response

To establish a *prima facie* case of obviousness, the Examiner must establish: (1) some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) the prior art references teach or suggest all of the claim features. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

Applicant has cancelled claims 1 – 6, thereby obviating the Examiner's rejection.

Applicant further presents claims 7 – 9 for first action on the merits, and submit that a *prima facie* case of obviousness cannot be made thereto, as the features recited therein are not disclosed, taught or suggested by the cited prior art.

The Examiner is referred to the originally-filed specification and figures, in which step S02 of FIG. 6 and the paragraph beginning on line 22 of page 13 refer to the now-claimed "first digital signature." Step S13 of FIG. 6 and the paragraph beginning on line 9 of page 14 refer to the now-claimed "second digital signature." Step S16 of FIG. 6 and the paragraph beginning on line 18 of page 14 refer to the now-claimed "third digital signature." Step S41 of FIG. 7 and the paragraph beginning on line 6 of page 19 refer to the now-claimed "fourth digital signature."

The present invention relates to a method for releasing a function limitation of a software

installed in a user terminal through communication between the user terminal and an authentication server. These features are properly recited in the new set of claims, and are not found in Sprong et al., Hicks et al., or Hillier et al., taken alone or in combination.

Specifically, one feature of the present invention resides in using the terminal code (corresponding to the MAC address in the description) fixedly allocated to the use terminal (25) and unique thereto. According to the present invention, supposing a case in which an old user terminal is replaced with a new user terminal, and thus software installed in the old user terminal must be installed in the new user terminal and activated, activation is permitted for a terminal code which is equal to or less than a number predetermined for each license code.

In order to realize the above, independent claim 7 specifically recites "a second determination step [S36, S37, S38] of reading data recorded on a data table in the authentication server [4], reading data recorded on a data table in the authentication server, determining whether the license code transmitted to the authentication server at the first transmitting step is recorded on the data table in the authentication server, determining whether the terminal code corresponding to the transmitted license code recorded on the data table is equal to or less than a predetermined number when the transmitted license code is recorded on the data table, recording the terminal code transmitted to the authentication server at the first transmitting step with the license code corresponding thereto on the data table when the terminal code is equal to or less than the predetermined number, and terminating the process of releasing the function limitation of the software when the terminal code is more than the predetermined number."

Applicant submits that this feature is not disclosed, taught, or suggested by the cited references of Sprong et al., Hicks et al., and Hillier et al., taken alone or in combination.

Independent claim 7 also recites a "releasing step [S48, S49], by the user terminal [5], of

determining whether the identification code and the terminal code in the activation code correspond to the identification code and the terminal code transmitted at the first transmitting step, releasing the function limitation of the software when these codes correspond, and terminating the process of releasing the function limitation of the software when these codes do not correspond." With this step, data misdelivery or the stealing of authentication information on a different terminal can be detected.

Again, Applicant submits that this feature is not disclosed, taught, or suggested by the cited references of Sprong et al., Hicks et al., and Hillier et al., taken alone or in combination. None of these references discloses, teaches, or suggests permitting an activation for a terminal code which is equal to or less than a number predetermined for each license code, and thus none of these references discloses, teaches, or suggests the presently-claimed releasing step.

Thus, the cited prior art combination does not render the claimed subject matter obvious, since all of the features of the presently claimed invention as recited in independent claim 7, and thus claims 8 and 9 dependent therefrom, are not disclosed, taught or suggested thereby.

CONCLUSION

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,
THE NATH LAW GROUP

Date: June 29, 2007
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314
(703) 548-6284

By:

Jerald L. Meyer for
Gary M. Nath
Registration No. 26,965
Jerald L. Meyer
Registration No. 41,194
Matthew Moffa
Registration No. 58,860
Customer No. 20529

Appl. No. 10/734,184

Reply to Office Action of April 2, 2007

Attorney Docket No. 25880

APPENDIX

Amendments to the Drawings

The attached drawing sheet provides a replacement drawing of FIG. 2. This sheet replaces the original sheet including FIG. 2. An annotated sheet showing changes is also provided.



FIG.2

25 ACTIVATION INFORMATION 23 24

LICENSE CODE	PRODUCT NUMBER	SERIAL NUMBER	MAC ADDRESS
a0857f05e8f0	SW-1000	2002120001	00-80-88-41-01-a0
7ra3vds78a9g8	SW-1000	2002120013	00-80-88-b1-51-91
32ehau583681	SW-1000	2002120657	00-80-88-41-11-a2
48y3581dsth84	SW-1000	2002120987	00-80-88-46-a1-18
⋮	⋮	⋮	⋮